

## **CONDITIONAL USE PERMIT CASE NO. 03-209-(2)**

### **FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES**

**REGIONAL PLANNING COMMISSION HEARING DATE: December 3, 2003**

#### **SYNOPSIS:**

The applicant requests authorization for the continued use of a church, school, and convent and the construction of a new, 4,800 square foot kindergarten complex. In addition to three classrooms the new construction includes a playground with a covered lunch area, offices, a library/computer lab and storage rooms. Four new parking spaces would also be added. An existing single-family home with attached garage would be demolished to accommodate the new construction. The subject property is located at 1200 and 1232 E. 81<sup>st</sup> Street in the unincorporated community of Walnut Park within the Compton Florence Zoned District.

#### **PROCEEDINGS BEFORE THE COMMISSION**

December 3, 2003

A duly noticed public hearing was held before the Regional Planning Commission on December 3, 2003. Commissioner Helsley was absent. The applicant's representatives presented testimony and answered questions posed by the Commission. Seven persons from the community stood in support of the project and two additional persons testified in favor of the project.

There being no further testimony, the Regional Planning Commission after discussion voted (4-0) to close the public hearing, indicate its intent to approve the conditional use permit, and direct staff to prepare the final environmental documentation and findings and conditions for approval.

#### Findings

1. The applicant requests authorization for the continued operation of a church, school, and convent, and the construction of a new kindergarten complex in the R-3 (Limited Multiple Residence) zone.
2. The 2.44-acre subject property is rectangular-shaped with level topography and is located at 1200 and 1232 E. 81<sup>st</sup> Street in the unincorporated community of Walnut Park. The property is currently developed with a church, Kindergarten through 8<sup>h</sup> grade school, parish hall, rectory (priest's residence), convent, 40-space parking lot, and a single-family dwelling with an attached 3-car garage. The property is located within the Compton-Florence Zoned District.
3. The existing single-family residence and 3car garage will be demolished to accommodate the proposed new kindergarten complex. Existing kindergarten classes currently held in the converted residence will continue in a temporary

trailer until new permanent classrooms are constructed. The temporary trailer will be removed upon completion of the permanent buildings.

4. Surrounding land uses consist of single- and multi-family residences to the north, south, east, and west.
5. The subject property is zoned R-3 (Limited Multiple Residence).
6. Surrounding zoning consists of R-3 and M-1 (Light Manufacturing) to the north, and R-3 to the south, east and west.
7. Pursuant to Section 22.20.280.B. of the Los Angeles County Code, property in the R-3 zone may be used for churches, including customary incidental, educational and social activities in conjunction therewith, and for convents and monasteries, provided site plans are first approved by the Director. Pursuant to Section 22.20.290, property in the R-3 zone may be used for accredited schools through grade 12, including appurtenant facilities, provided a conditional use permit has first been obtained and in conformity with the conditions of such permit. The subject school is accredited by the Western Association of Schools and Colleges.
8. The church, convent, and school were all built prior to the current director's review and conditional use permit requirements for such uses in the R-3 zone. According to tax assessor records, St. Malachy church was built in 1927 and the school was constructed in 1948; however, the amortization periods for the school, church and convent have since expired and they can no longer continue as nonconforming uses.
9. Pursuant to Section 22.56.1700 of the County Code, the Regional Planning Commission may consider and approve an application for director's review and approval of the subject church and convent concurrently with a conditional use permit for the school. This grant constitutes such concurrent approval for the continued operation of the church, convent and school and the construction of a new kindergarten complex.
10. The General Plan land use designation for the subject property and surrounding area is "Medium Density Residential". Areas within this designation are suited for apartments and other multi-family housing, generally not exceeding three stories in height. Schools, churches and other local serving uses can also be found consistent with this designation. The subject church, school and convent are consistent with the Medium Density Residential land use category as they provide services to the local residents. The subject church and school have existed at this location since 1927 and 1948 respectively, and have served this community. The Negative Declaration also concludes that the project will have less than significant/no impacts on the area.

11. The site plan depicts the existing church of approximately 5,070 square feet, a 3,930 square foot parish hall, a 10,730 square foot school, a 3,400 square foot rectory and a 3,960 square foot convent. The plan also shows the proposed 4,800 square foot kindergarten complex consisting of three kindergarten class rooms, a library/computer lab and a play ground. An 8-foot tall concrete block wall is shown along the north, east, and west property lines; an 8-foot wrought iron fence with a hedge is shown along the south property line. Forty existing parking spaces and four new parking spaces are shown on the plan. One space is depicted as accessible to disabled persons. Existing access to the property is shown from Naomi Avenue to the west and 82<sup>nd</sup> Street to the south. A proposed new entrance is shown from 81<sup>st</sup> street to the north.
12. Section 22.20.330 of the County Code requires parking to be provided in compliance with Part 11 of Chapter 22.52. Pursuant to Section 22.52.1200 of Part 11, a school in which any pupil is in a grade higher than the sixth shall have, within 500 feet thereof, one automobile parking space for each five persons, based on the occupant load of the largest auditorium or room used for public assembly, as determined by the county engineer. The occupant load of the parish hall, which is used as the school auditorium, is 209 persons. Therefore, a minimum of 42 parking spaces are required. Pursuant to Code Section 22.52.1070, two of the spaces shall be designed to comply with ADA (Americans with Disabilities Act) requirements.
13. The applicant's site plan depicts 40 existing parking spaces and four proposed spaces, of which one is accessible to disabled persons. The applicant will be required to provide one additional parking space for disabled persons in order to provide the required parking for the school.
14. Due to the constraints of the site, it is not possible to provide additional parking for the church to meet the current parking requirements. The church was established in 1927, prior to the adoption of a parking ordinance. The first requirements for automobile parking spaces to be provided in conjunction with the construction of a new building were adopted in 1943 (Ordinance 4292, effective date 11/10/43). The church is nonconforming due to parking standards and is not required to comply with current parking requirements.
15. Pursuant to Section 22.20.300 of the County Code, no building in the R-3 zone shall have a height in excess of 35' above grade. The elevations submitted by the applicant show building heights that vary between 16 and 20 feet in compliance with this requirement.
16. Pursuant to Section 22.20.320 of the County Code, front, side and rear yards shall be provided as follows:
  - a. Front yard: 15 ft.
  - b. Rear yard: 15 ft.
  - c. Interior side yards: 5 ft.

17. The applicant is proposing the following yard modifications:  
Front yard (81<sup>st</sup> Street frontage): Permission for building overhangs protruding 8 feet into the setback space at approximately 8' -6" from the ground.  
  
Rear yard: Permission to build overhangs approximately 6' into the setback.  
  
Side yard (east): Permission to build three storage rooms up to the property line.
18. The proposed overhangs would be approximately 8'-6" above ground and would provide students and staff shade and rain protection at the building threshold. The overhangs and the proposed storage rooms would generally not be visible from behind the proposed 8' block wall at the street. Pursuant to Section 22.48.180 of the County Code, the Commission grants the requested yard modifications in that site constraints make it obviously impractical to require compliance with the required setbacks.
19. The applicant has not submitted any signage for review. Any proposed signs shall be developed in accordance with Part 10 of Chapter 22.52 of the County Code. The applicant will be required to submit any sign plans to the Director for approval.
20. As a result of the new construction, enrollment for the kindergarten would increase from the currently enrolled 15 students to 60; grades 1 through 8 would also gain approximately 30 new students for a total of 271 students. In total the school would gain approximately 75 new students and have a total student body of approximately 331 pupils.
21. The church currently holds three Sunday services with an approximate total attendance of 660 persons for all three services (census taken on 9/28/2003). In addition, catechism classes are held on Fridays and Saturdays, with a total attendance of approximately 1,090 persons, both adults and children.
22. Eighty-three letters were received in support of this request. No letters in opposition were received.
23. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act and the environmental document reporting procedures and guidelines of the County of Los Angeles. The Initial Study showed that there is no substantial evidence that the project may have a significant effect on the environment. Based on the Initial Study, the Department of Regional Planning has prepared a Negative Declaration for the proposed project. The project is *de minimus* in its effect on fish and wildlife resources. Therefore, the project is exempt from State Department of Fish and Game fees pursuant to Section 711.4 of the California Fish and Game Code.

24. The church has been established in the community for over 70 years; the school has operated for approximately 60 years. Both uses appear to have been operated in a responsible fashion.
25. The proposed expansion will provide needed educational opportunities to the local community.
26. The Commission finds that, with appropriate restrictions on operation as set forth in the conditions of approval, the proposed uses will be compatible with surrounding land uses.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:**

- A. That the proposed use will be consistent with the adopted general plan for the area;
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in the Zoning Ordinance, or as is otherwise required in order to integrate the proposed use with the uses in the surrounding area;
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required; and
- E. That topographic features, subdivision plans or other conditions create an unnecessary hardship or unreasonable regulation or make it obviously impractical to require compliance with the yard requirements;

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Conditional Use Permit with concurrent site plan approval as set forth in Sections 22.56.090 and 22.56.1690, Title 22, of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission has considered the Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before the Commission that there is no substantial evidence the project will have a significant effect of the environment, finds that the Negative Declaration reflects the independent judgment and analysis of the Commission, and adopts the Negative Declaration.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit Case No. 03-209-(2) is **APPROVED**, subject to the attached conditions.

**VOTE:**

**Concurring:**

**Dissenting:**

**Abstaining:**

**Absent:**

**Action Date:**

RJF:MBM

3/1/2004

Deleted: 2/26/2004

